

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

RICARDO IRIVE,

Petitioner,

v.

RENEE BAKER, et al.,

Respondents.

Case No. 3:15-cv-00487-MMD-WGC

ORDER

This action is a petition for a writ of habeas corpus by Ricardo Irive, a Nevada prisoner.

On October 5, 2015, the Court reviewed Irive's petition, pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts, directed the Clerk of the Court to serve the petition upon the respondents, and set a schedule for respondents to appear and file a response. See Order entered October 5, 2015. (Dkt. no. 5.) Respondents appeared in the action on October 26, 2015. (Dkt. no. 8.) Respondents are to respond to Irive's petition by December 4, 2015. See Order entered October 5, 2015. (Dkt. no. 5.)

Along with his habeas petition, Irive also submitted a motion for appointment of counsel. "Indigent state prisoners applying for habeas corpus relief are not entitled to appointed counsel unless the circumstances of a particular case indicate that appointed counsel is necessary to prevent due process violations." *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir.1986) (citing *Kreiling v. Field*, 431 F.2d 638, 640 (9th Cir.1970) (per

1 curiam). The court may, however, appoint counsel at any stage of the proceedings "if
2 the interests of justice so require." See 18 U.S.C. § 3006A; see *also*, Rule 8(c), Rules
3 Governing § 2254 Cases; *Chaney*, 801 F.2d at 1196. The record in this case reflects
4 that appointment of counsel is not warranted.

5 It is therefore ordered that the Clerk of the Court shall separately file petitioner's
6 motion for appointment of counsel (currently attached to the notice at dkt. no. 1).

7 It is further ordered that petitioner's motion for appointment of counsel is denied.

8
9 Dated this 16th day of November 2015.

10
11 

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
MIRANDA M. DU
UNITED STATES DISTRICT JUDGE